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February 24, 2017

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By ECF

The Honorable Jack B. Weinstein  
United States District Judge  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Armstrong v. Costco Wholesale Corporation, et al.*, No. 1:15-cv-2909-JBW-RML  
*Palmer v. CVS Health, et al.*, No. 1:15-cv-2928-JBW-RML

Dear Judge Weinstein:

We represent the defendants in the above-referenced actions and we submit this letter jointly on behalf of all parties in those actions,<sup>1</sup> in response to Your Honor's statements at the February 3, 2017 hearing in the *Belfiore* action regarding Your Honor's stated intent to transfer the *Armstrong* and *Palmer* cases, respectively, to the Districts of Oregon and Maryland. *See Belfiore v. The Procter & Gamble Company*, No. 1:14-cv-4090-JBW-RML, Transcript, Feb. 3, 2017 at 46:20-48:11.

Respectfully, counsel for all parties in the *Armstrong* and *Palmer* actions believe that, in the interests of efficiency in case management for both the parties and for the proposed transferee courts, it would be preferable for this Court to defer any decision as to whether to transfer these cases until a date approximately sixty days after Your Honor rules on the pending motions for and against class certification in the *Kurtz* action. This would allow the parties and counsel to confer regarding their respective positions in light of the Court's ruling in *Kurtz* before expending additional resources of the parties or of multiple additional district courts not yet familiar with these matters. Accordingly, we respectfully request that the Court defer any transfer of these actions until approximately sixty days after this Court issues its decision on class certification in *Kurtz*.

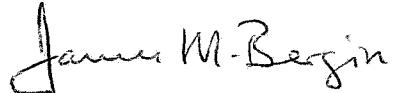
All parties in the *Armstrong* and *Palmer* actions join in this request.

<sup>1</sup> As Your Honor is aware, in addition to representing Costco Wholesale Corporation in the *Kurtz* action, we also represent defendants Costco and Nice-Pak Products, Inc. in the *Armstrong* action, and defendants CVS Pharmacy, Inc. and Nice-Pak in the *Palmer* action. Counsel for plaintiffs in the *Kurtz*, *Armstrong*, and *Palmer* actions joins in above request.

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Respectfully submitted,



James M. Bergin

cc: Magistrate Judge Robert M. Levy (via ECF)  
All Counsel in Related Cases (via ECF)